



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/618,216 Confirmation No. 4237
Applicant : John A. Pasko
Filed : July 11, 2003
Title : MANHOLE COVER LIQUID LEVEL MONITORING
SYSTEM
TC/A.U. : 1723
Examiner : Joseph W. Drodge
Atty. Docket No. : AE-16-1/TEC1238-02
Customer No. : 0832

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131 OF JOHN A. PASKO

I, John A. Pasko, inventor of the invention disclosed and claimed in Claims 1-28 of the above-identified patent application, hereby declare as follows:

1. That the Examiner in U.S. Patent Application Serial No. 10/618,216 (hereinafter "the present application") rejected Claims 1, 2, 4, 5, 10-13, 15, 16, 18, 19, 23, 24, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0174070 to Garrod et al. (hereinafter "Garrod et al. '070").

2. That the Examiner in the present application also rejected several claims under 35 U.S.C. § 103(a) as being unpatentable including Claims 3 and 21 in view of Garrod et al. '070 and U.S. Patent No. 6,568,264 to Heger; Claims 6, 9, 14, 20, and 22 in view of Garrod et al. '070 and U.S. Patent Application Publication No. 2001/0024165 to Steen, III et al. (hereinafter "Steen et al. '165"); Claims 7 and 8 in view of Garrod et al. '070, Steen et al. '165, and U.S. Patent No. 3,781,624 to Tullis; Claims 17 and 27 in view of Garrod et al. '070 and U.S. Patent No. 6,499,961 to Wyatt; and Claims 25 and 26 in view of Garrod et al. '070 and U.S. Patent No. 6,229,448 to Bennett, Jr. et al.

3. That Garrod et al. '070 was filed on March 13, 2003 and claims priority to U.S. Provisional Patent Application No. 60/364,297, filed on March 13, 2002.

4. That prior to March 13, 2002, I constructed a liquid level monitoring system and a battery-powered sensor module in accordance with the claims of the present application. The photographs in Photos 1-5 attached hereto illustrate the actual system in existence prior to March 13, 2002.

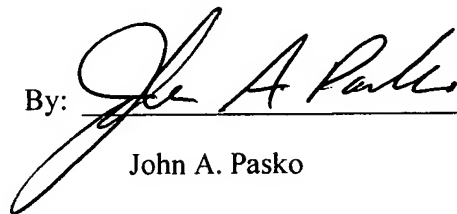
5. That the liquid level monitoring system and the battery-powered sensor module constructed in accordance with the claims of the present application operated according to their intended purpose prior to March 13, 2002.

6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

8/11/2006

By:



John A. Pasko